

SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS UPON CURRENT TOPICS—COMPILED EVERY DAY FOR THE EVENING TELEGRAPH.

The Attorney-General's Opinion on Habeas Corpus.

From the N. Y. Times. The habeas corpus case in Philadelphia, in which by orders of the Secretary of the Navy the officers refused to produce a seaman named Gormley, in whose behalf the writ had been issued out of the Court of Quarter Sessions there, will now probably be determined without any collision between the State Courts and the Federal authorities, as the Secretary of the Navy, in accordance with the opinion of the Attorney-General, has rescinded his former order, and directed the man to be produced before the Court.

A full abstract of that opinion has been published, and it furnishes some food for discussion. The case was one somewhat different from those which had been before our Courts, inasmuch as they have been cases of soldiers, while this was a case of a seaman, and the laws in relation to the army and the navy are not identical on this question. Still it seems a little singular that no reference is made in the opinion to the cases which have been before the Courts of the United States in this city, while on the question of the power of the Secretary of War over the discharge of minors, an opinion is intimated directly opposed to what those Courts have decided.

The vital question of the opinion was whether, where a writ of habeas corpus is issued by a State Court to a United States officer, he is bound to produce the man before the Court. The main decision which was referred to on this question was, of course, the case of Ableman vs. Booth, and a distinction was drawn between that case and the present one, in that the petitioner was held by a process issued out of a United States Court, while here he was held only by an officer of the Government. In that case the Supreme Court held clearly that the body of the petitioner was not to be produced, but that a return was to be made to the writ, setting forth that he was held by virtue of a process from a United States Court, and thereupon it would become the duty of the State Court to do nothing further on the writ, because it appeared that the party was held by another jurisdiction.

The Attorney-General is satisfied with pointing out the distinction between the facts of the two cases, which justifies, in his opinion, the different course which he recommends to be pursued in the present case. But after all, is there not the same reason lying at the bottom of both of them, and if the reason is the same, ought not the rule to be the same? This question the Attorney-General does not touch. We understand the decision of Ableman vs. Booth to rest upon the ground that the jurisdictions of the United States and of the State Courts are distinct, and that the latter ought to go no further than to see that the party is held by authority of another jurisdiction. Why does not this reason apply as well to the executive officers of the Federal Government as to the Federal Courts? We cannot but think that whenever this question comes up for decision before the Supreme Court of the United States, it will be determined in the same way as the previous one.

Perhaps, however, it was just as well to allow this question to come before the Supreme Court for decision in the way in which it is now likely to come up, if the State Court should decide to discharge the man, rather than in the more violent way of a refusal to obey the writ and an attachment for contempt. But if the State Court should decide that the man was not entitled to be discharged, and must be returned to the navy, then this question will not reach the Supreme Court in this case. It is, however, a question which must one day be decided, and the sooner the better for all parties. It is important that these matters should be settled as soon as possible.

Opening of the Religious Season.

From the N. Y. Herald. One by one the fashionable churches are being reopened for the fall season of preaching, as the managers and their congregations return from the watering places. Madame Fashion is a potent deity, for she controls many of our churches, as well as bonnets and dresses. At her beck places of worship are closed, and during the summer months their habits are not permitted to continue their devotions in them. After the milliners and theatrical managers hold their openings, then it is fashionable to go to church. Of course none of the belles of a church of this description will venture into the unshodden pews and subject themselves to the cynosure of their neighbors until they have donned the latest fall style in bonnets, cloaks, and dresses. Such being the case, what can the poor parson do, who only gets a few thousand a year and depends on these fair worshippers for his embroidered slippers, but comply with the commands of Dame Fashion and close up his church until the other amusement openings have taken place?

The programmes of the churches for the fall season promise many novelties in the way of star preachers and spicy sermons. Some congregations imitate the example of the managers and send to Europe for stars. Church property, however, is fast passing into the hands of theatrical people, and dances, transformation scenes, and sensational dramas, replace eccentric old preachers or exquisite young debutants and their political or sensational discourses. In one church a panorama with gorgeous scenery, choruses, and other stage effects, is exhibited every night, while the pastor is wandering about like the dove from the ark, in search of a resting place. Another fashionable preacher abandons politics for the present, and speaks to young men on their matrimonial prospects. While many of our leading and wealthy churches are thus given up to fashion, it is a matter worthy of attention to see what an elevating and wide-spread influence New York life has on people from the country. It softens down all their rugged, narrow-minded ideas, and gives them wide, expanded views on every subject. It humanizes them, and enables them to mingle with the *alta patrida* of metropolitan life without making themselves offensive or singular. Perhaps one of the causes may be the mysterious influence of the *Herald*, reflecting every phase of life throughout the world and fearlessly and earnestly inciting broad and liberal ideas. Besides, we have opera companies keep us in perpetual good humor, the *Black Crook* and *David's Auction* to warn us against the gentleman in black, and the police department to make us walk in the path of rectitude. The churches have little influence in shaping and enlarging the minds of the public, but in the press and other engines of civilization the secret may be found.

Organization at the South.

From the N. Y. Tribune. The Republican party in the South is a fixed fact. It is composed of those Southern whites who were loyal while Rebellion was rampant and dominant all around them; of the bulk of those whites who migrated southward during or since the war; of many thousands of thoroughly reconstructed, freedom-loving Union-loving ex-Rebels; and of the great body of the Southern blacks. These classes form together a majority of the Southern people, and we regret that any pretext has been given to the unconstructed Congress for refusing to vote. If every citizen of every Southern State were enfranchised, we should still elect two-thirds of their members of Congress and give most of their Electoral votes to the Republican candidate for next President. Enfranchisement, not disfranchisement, has made the South Republican.

Yet the party is not yet fully organized, and badly needs to be. Its enemies are a minority, but an active, intelligent, powerful minority. They own most of the land and other material wealth; they prosecute the trade and direct the labor of the South; they sell the crops, and are valued customers to merchants, farmers, mechanics, etc. The newspapers are nearly all in their interest; they can concentrate and call out their votes easily and surely; while the great mass of the Republicans, having been reared in slavery, and still tilling their old masters' lands on shares or for wages, are poor, ignorant, scattered on plantations, having little intercourse with each other, and largely subject to their employers' or landlords' power, require to be visited, enlightened, and prompted to exercise their right of suffrage surely and effectively.

The Republicans of the South are generally very poor. Social influence and caste prejudice operate strongly against them. It is at once the duty and the interest of the Northern Republicans to help them to organize their forces so as to be sure of bringing out their full strength at each of the important elections to be held throughout the next fourteen months.

We have discountenanced, and shall continue to discourage, every attempt to raise money in the North in aid of local or partial efforts to republicanize the South. Those who seek to raise money here to start a newspaper, to sustain or to buy one, or to organize this State or district, have learned to give us a wide berth. We encourage no man to come hither from the South in quest of contributions to build a church, to support a school, or to achieve any local political end.

The North can't afford to pay the fare of all who would like to be sent, or send themselves hither on such errands. But we are willing to pay our part, as we trust others are, towards the maintenance of a general effort to organize the Southern Republicans, and bring out their last vote. Such effort is now under charge of the committee of Congress, whereof General Robert C. Schenck is chairman, and Thomas L. Tullock Secretary, with Thomas W. Conway travelling agent. We urge every Republican who can afford it to send a contribution to the committee of Congress, Washington, D. C., or to respond to the personal appeals of Mr. Conway, who is now traversing the North in the prosecution of his appointed work.

Our Revolution Still Progressing—Does it Indicate Peace or War?

From the N. Y. Herald.

We published yesterday the remarks of the Louisville Journal and the New York Times on the political situation. Both of these journals, given over to partisan spirit, are feeling their way along in the dark, each with its eyes upon a false beacon. The former paper, urged by the same impotent madness that animated the earlier days of the Rebellion, runs into empty and unmeaning threats, that, were they not so seriously made, might appear ridiculous. The Times, a little frightened at the cloud which its party has raised upon the horizon, calls attention to it as something to be dreaded. It fears that the acknowledged unconstitutional measures of Congress are to be checked in their operations, and that the country, in its revulsion of feeling against bad management, may upset some cherished party plans. The whole article, though containing many good arguments, has that tinge which indicates a trembling over coming political change. That this change is gradually making its way into all the political elements of the country is indisputable. Great revolutions, born of such forces as brought themselves into action in 1861, need, perhaps, the force of fanaticism to bring them to a focus. That fanaticism has, however, reached its summit, and the nation, now surfeited with war and its attendant moral and political corruption, is disposed to return to that healthy point where it may make its material and political progress the most valuable to the national development.

The President will be impeached is not probable under any phase of our progressive revolution. Stumbling block though he be to the wishes of a faction, still that faction may roll him aside whenever they desire to do so. Congress may be in open but peaceable conflict with the Executive; but it is for the Supreme Court to decide between them. Congress, representing the people, has the power to shape laws in any form, even of the most ultra revolutionary class. As an Executive, according to the political rule laid down for his guidance, the President may oppose those laws. If, now, the Supreme Court decide that Congress is right and the President wrong, the Executive must bow to the decision; for the action of the court is merely that of an arbiter in a dispute between two parties. If, therefore, the people's Congress choose to tear the Constitution in shreds, and the Supreme Court uphold the effort; then it is folly, it is revolution by force, on the part of the President, to oppose it; for, by such action, he opposes a peaceable overturning of the government which the people have deemed necessary and have effected for what they deem to be their good. Much as we reverence the Constitution, and much as we desire to see it held sacred and intact, we can but recognize that the great mansprings of our republic, and the power that underlies all constitutions and laws, is the will of the people. If, in the case above mentioned, the people support the action of the two branches of the Government against the third, the country must bow to it. There is nothing that can offer effective opposition; and by and through the people is made a revolution by force of brains which, in any other country, could alone be effected by force of arms. The election following such a revolution will determine if the people endorse the action of the rulers whom they have placed over themselves to effect it. Should they not checked, and the revolution is in which we may choose to place ourselves. Let it be understood that such is our political rule and such the method by which we choose to effect peaceable change. Thus far our revolution has been progressive. From our initial point in 1861 we have made change

after change, until a distant and neutral observer could scarcely recognize any elements in common to our political condition then and now. We have changed three millions of negroes from a condition of serfdom to a higher level than that which their former masters now occupy. We have formed five military dictatorships and Romanized the States. We have thrown the burden of government and its financial support upon the Northern half of the republic. We have made a *Toum de Office* bill, that one element in power may control all the others. We have centralized until the centrifugal forces give the mass an impenetrable solidity. In fact, the republic of 1861 is not to be recognized in the republic of 1867. Many of these measures have been the result of those forces which, created by the demands of war, had to spend themselves in after political action. They have had their full sweep. They have forced elements into play which now threaten to produce a reaction to that healthy point upon which the nation must finally balance itself. In this reaction the common sense of the country is showing itself. It has calmly weighed the merits and demerits of the political forces, and will now decide upon the future change to be desired. Congress must listen to the people and watch their will. Failing to do this, they will go down and give place to representative men. Thus our revolution, still progressing, will, as its results are weighed by the people, be urged onward if it be needed; or checked in its course. To suppose that we think of war again is to underrate the common sense of the country. The rumble which we hear is nothing but the march of the intelligence of the land to its political rescue.

Secretary McCulloch's Letter.

From the N. Y. World.

The letter of the Secretary of the Treasury, which we published yesterday, is a proof of the mischief apprehended from the repudiation tenets of Messrs. Butler and Pendleton. Some such reassuring manifesto was needed to counteract the depreciating influence of these theories on the price of our securities in Europe. We suppose the letter, or its substance, was telegraphed to London on Monday night, and so far as any official statement can relieve existing apprehensions, Mr. McCulloch's assurances will have that effect. It may be said, indeed, that the Secretary of the Treasury, being the mere servant of Congress, the mere minister to give effect to such laws as Congress may pass, speaks without authority; that he merely expresses an opinion by which nobody is bound. Whenever the debt is paid it must be by means which Congress will provide, and if that body should order it paid at the expiration of the five years, and paid in greenbacks, the assurances of the Secretary would go for nothing. For this reason, the assurances of Secretary McCulloch are of less value than those made by Secretary Chase when he offered the bonds for sale. Mr. Chase's assurances bind the Government, because having been made while the transactions were pending, and coming at that time to the knowledge of Congress, they were not disavowed. Mr. McCulloch's opinion is valuable, only because his position makes him conversant with the subject, and his statements are supported by the history of the transactions. Mr. McCulloch is unquestionably right in saying that the people of this country favor the honest payment of the debt with the same unanimity with which they supported the war by which it was incurred. There is no people in the world in whom pride of country is greater, national spirit higher, or who are ready to make greater sacrifices to ideas and sentiments. The war for the Union was a war for an idea, not a calculation of interest; although in the long run, and in reference to posterity, it will probably be for the national interest. But the interests of this generation have not been served by the war. If we had permitted a peaceable dissolution, and had divided the public property, both nations would have been better off during this generation and the next than the two sections are likely to be in a common Union. And yet no man grudges the sacrifices which have been made. The sense of national greatness, and the satisfaction of transmitting a proud heritage to posterity, compensate our feelings for all the losses we have sustained. With the greater part of our people this is a purely disinterested feeling; it is a pure pride of country; it is the solace felt by the popular imagination in expanding to take in so broad a territory and investing it with a kind of patriotic ownership which belongs to every citizen.

The American people would feel no exultation in physical greatness, if it were stained and smooched with moral disgrace. Like all other people, they dislike and grumble at taxes, but more than most other people they have a quick and sensitive national pride, and will make any sacrifice rather than be lowered in their own estimation and that of the world. They will discharge the public debt according to the understanding with which it was incurred, with a resolute honesty which no repudiation party will ever dare to confront. Let us hope that the recent flurry about the public debt will have some good consequences. The Democratic party, which made a vigorous opposition to the legal-tender act at the outset, have been in favor of as rapid a return to specie payments as is consistent with fairness to the business community. The currency is a very delicate thing to touch even for the purpose of improvement; but the Democratic party believe that, without any dislocating jerks or hitches, there may be gradual, safe, and sure if not speedy, progress towards resumption. The Republicans have been stirred up to express so much abhorrence of the new repudiation doctrine—especially for the few days they supposed it was a monopoly of Mr. Pendleton, and that a damaging party use could be made of it—that they cannot with a very good face now turn round and obstruct measures calculated to strengthen the public credit. A return to specie payments will completely lay the spectre of repudiation (at least in the present form); for when gold and silver are at par, it will be of no consequence to the public creditors whether they are paid in one or the other. If the indignant abhorrence of which the Republicans made such a parade while the scheme was merely Mr. Pendleton's and not yet General Butler's is not a sham, we hope they will give evidence of their sincerity by co-operating with the Democratic party in a steady and unfaltering return towards specie payments. The existence of an inflated currency is the only thing which renders the new theories dangerous to the public credit, and we hope that hereafter every prominent inflationist will be branded as a repudiator.

FATAL SUPERSTITION.

During a recent storm at Saunzet, France, the wife of the bell-ringer and her son ascended to the church tower to toll the bells, in accordance with a belief, very general among the peasantry, that by doing so the effects of the lightning may be neutralized. They had scarcely commenced when the building was struck by lightning, and the woman was killed on the spot. The son escaped uninjured.

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